



FEMA

November 12, 2015

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HAMPTON CITY COUNCIL OFFICE

The Honorable George Wallace
Mayor, City of Hampton
22 Lincoln Street
Hampton, Virginia 23669

Re: Community Assistance Visit (CAV) Report
City of Hampton, Virginia

CID # 515527

Dear Mayor Wallace:

Thank you for the courtesy and cooperation your staff extended at the Community Assistance Visit (CAV) on July 28, 2015. We met to tour the city's floodplains and to discuss the City of Hampton's floodplain management program and its participation in the National Flood Insurance Program (NFIP).

The Federal Emergency Management Agency (FEMA) holds these meetings periodically with all NFIP member communities to assess:

- ☐ The effectiveness of local floodplain management ordinances and enforcement practices; and
- ☐ Your community's needs for technical assistance and coordination.

During our CAV meetings, it was apparent that the city is committed to developing and maintaining a strong floodplain management program. My document review and discussion indicate that your staff is both knowledgeable about the NFIP and are committed to ensure that development in the floodplain is as safe as possible. We commend City of Hampton's staff for their willingness to educate themselves about the National Flood Insurance Program and for taking action to make sure that the citizens of the county have reduced risk to life and property from flooding, including participating in the Community Rating System.

My tour of the floodplain and review of your program was very positive and I found only a few issues that need to be remedied.

Corrective Action Plan

1. Update the floodplain ordinance and include missing items identified.
2. Enforce permitting requirements for all development in the SFHA per City floodplain ordinance and 44 CFR 60.3 regulations.
3. Identify and train a City Floodplain Administrator (vice Hicks).
4. Provide further documentation for structures listed on the attached spreadsheet. In cases of non-compliance, proceed with Notice of Violation and mitigate to the greatest extent possible.
5. Keep all documentation (including lowest floor elevation and zone determinations) for structures in the SFHA for the life of the structure.
6. Submit AW501 forms for all RL and SRL structures that have been removed or mitigated.

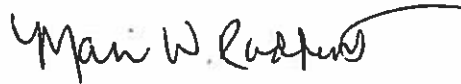
An interim progress report will be due to FEMA no later than February 6, 2016; and all recommended action items need to be completed by May 7, 2016. Failure to implement the Corrective Action Plan measures identified in this letter in a timely manner may jeopardize the City's continued participation in the NFIP. Without corrective action, your community could be put on probation or suspended from the NFIP. Remedial actions, such as probation and/or suspension from the NFIP, could result in a \$50.00 surcharge on each flood insurance policy in effect within the City and ultimately could prohibit community residents and business owners from flood insurance policy renewal or the purchase of new policies.

If the City is suspended from the NFIP, most forms of federal disaster assistance would be unavailable during a presidentially declared disaster and most forms of federal grants and loans will not be available within the identified flood hazard areas. Therefore, corrective action by City of Hampton is critical.

FEMA and the Virginia Department of Conservation and Recreation (DCR) are willing to provide any assistance they can to help insure that the City successfully accomplishes the Corrective Action Plan measures identified in this letter and will provide support to help ensure that your community remains a participating community within the Community Rating System and the National Flood Insurance Program (NFIP). We look forward to continuing to work with your staff to complete the above corrective actions.

If you have any questions or need additional information, please feel free to contact me at Mari.Radford@dhs.gov, (215) 931-2880 or Charley Banks, charley.banks@dcr.virginia.gov, (804) 371-6135.

Sincerely,

A handwritten signature in black ink that reads "Mari W. Radford". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Mari W. Radford, CFM
Mitigation Planning Specialist

Enclosures

cc: Gayle Hicks, City of Hampton Water Resources
Steve Shapiro, City of Hampton Community Development
Gwen Pointer, City of Hampton Emergency Management
Hui-Shan Walker, City of Hampton Emergency Management
David Stromberg, City of Hampton Community Development
Charley Banks, Virginia Department of Conservation and Recreation
Charles Kline, Virginia Department of Conservation and Recreation

**FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM
COMMUNITY ASSISTANCE VISIT (CAV)
REPORT**

SECTION I

1. NAME OF COMMUNITY City of Hampton	2. STATE VA	3. COMMUNITY ID # 515527	4. COUNTY NA
5. VISIT CONDUCTED BY Mari Radford, Molly Kaput, Charley Banks, Charles Kline	6. AGENCY FEMA/State	CIS UPDATED 8/19/2015	7. DATE OF VISIT 7/28/2015

SECTION II

8. NAME OF LOCAL OFFICIAL Gayle Hicks, PE, CFM	9. TELEPHONE NO. 757/727-6284	FOR A LIST OF THE ATTENDEES SEE SECTION V.
10. TITLE: Water Resources Engineer	11. ADDRESS OF LOCAL OFFICIAL 22 Lincoln Street, 4th Floor Hampton, VA 23669	

SECTION III – FINDINGS

PART A: Check appropriate response.	Level of Findings
1. Are there problems with the community's floodplain management regulations?	Minor
2. Are there problems with the community's administrative and enforcement procedures?	Serious
3. Are there engineering or other problems with the maps or flood insurance study?	None
4. Are there any other problems in the community's floodplain management program?	None
5. Are there any programmatic issues or problems identified? (Programmatic problems may relate to the nation or region as a whole, not merely to an individual community)	Yes

6. Are there any potential violations of the community's floodplain management regulations? (Check appropriate category)

A potential violation(s) has/have been identified

SECTION IV – FINDINGS (CONT)

- 1. Floodplain Management Regulations:** The City of Hampton updated their floodplain ordinance in November 2014 but it was not submitted to FEMA or DCR for review. We have since reviewed (checklist attached) and have identified several required items that are missing. These include: 25. The requirement to notify neighboring communities of watercourse alterations or relocations (in riverine areas), 26. Maintain the flood carrying capacity of any altered or relocated watercourse. We also recommend item 12 from the checklist; designate a Floodplain Administrator for the community. This should be by position and not by name. These three additions should appear in the next ordinance iteration, to be adopted in support of the May 2016 FIRMS and FIS. Please submit a draft to DCR for review before adoption.
- 2. Administrative and Enforcement Procedures:** The City has a sound procedure for floodplain determinations using GIS, and monitors closely the expiration of the permits (6 months from issuance). This ensures that map changes, including Letters of Map Revision (LOMRs) are considered when siting and elevation decisions are made.

The migration to a new permitting system in 2013, has greatly improved the City's ability to pull records. However not all historic permitting documents have been uploaded into this system and we found significant gaps in requested documentation on specific structures in the Special Flood Hazard Area (SFHA). Under the National Flood Insurance Program (NFIP), documentation showing permits issued, elevation and siting are required to be kept as long as the structure exists. A participating NFIP community must be able to show that the development was compliant when built, and without these records it can be time consuming and difficult to establish conclusively.

Multiple inspections occur during as the foundation is poured, plumbing, electrical, framing and insulation are installed. Although City policy is that a Certificate of Occupancy is not issued until a final "as built" Elevation Certificate (EC) is submitted, a number of final ECs were not on file for structures identified during the floodplain tour. Elevation Certificates are required for all finished new construction and substantial improvements for participation in the Community Rating System. Review of the ECs indicates that more scrutiny is needed before accepting from the professional engineer or surveyor that submits (both for accuracy and CRS needs). For instance, the EC for 1792 Old Buckroe Rd (dated 5/15/2015) did not have the certification of engineered openings filled out. Attached to this report is the ISO gig list of specific EC entry fields that are evaluated during the annual submission for CRS participation. Accuracy requirements have recently gone from 80% to 90%.

During the floodplain tour, numerous unpermitted development was noted – particularly older garage conversions (Bowen Drive was especially noted). While the City appears to have improved its current inspection and violation auditing (inspectors are assigned specific areas and 311 is used for reporting unpermitted development), these older violations are a concern as we enforce substantial improvement requirements. This then led to an extensive discussion on the NFIP definition of “development” which is defined in 44 CFR 59.1 as:

Development: means any man-made change to improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, Grading, paving, excavation or drilling operations or storage of equipment or materials.

The City has not been permitting based on this NFIP requirement and has been allowing specific exceptions called out in the Virginia Building Code (replacement roofs, windows etc) to be exempt from permitting requirements. In actuality the code reads as follows:

From Virginia Code § 36-98. :

“The Board is hereby directed and empowered to adopt and promulgate a Uniform Statewide Building Code. Such building code shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies.

However, such Code shall not supersede the regulations of other state agencies which require and govern the functional design and operation of building related activities not covered by the Uniform Statewide Building Code including but not limited to (i) public water supply systems, (ii) waste water treatment and disposal systems, and (iii) solid waste facilities. Nor shall state agencies be prevented from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of the Uniform Statewide Building Code.

Such Code also shall supersede the provisions of local ordinances applicable to single-family residential construction that (a) regulate dwelling foundations or crawl spaces, (b) require the use of specific building materials or finishes in construction, or (c) require minimum surface area or numbers of windows; however, such Code shall not supersede proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, conditions imposed upon a clustering of single-family homes and preservation of open space development through standards, conditions, and criteria established by a locality pursuant to subdivision 8 of § 15.2-2242 or § 15.2-2286.1, or land use requirements in airport or highway overlay districts, or historic districts created pursuant to § 15.2-2306, or local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.”

Therefore, one of the immediate Corrective Action that will be required from this CAV will be the systematic permitting requirement for ALL development in the SPFA to meet minimum NFIP requirements. This will the

City meet substantial damage and substantial improvement minimums and encourage property owners to bring structures below the BFE and currently at risk of flooding – into full compliance.

Staff mentioned difficulty in using the preliminary DFIRMS as best available data for permitting requirements. At the time of the CAV visit the Letter of Final Determination (LFD) had still not been issued and that would have given a degree of confidence to the maps that were yet to be adopted. We discussed the extensive map making process and timeline, and the community's involvement in submitting data and reviewing the mapping products. All felt relatively assured that the preliminary maps did indeed represent the current risk and should be used where more conservative than the effective maps, even though insurance requirements would not impact the structure until the new maps are adopted. For developers who push back on the use of the preliminary maps, we recommend a signed statement (by all parties) that they recognize future insurance implications with their decision. Another suggestion would be to have the applicant discuss the rating differences with their flood insurance agent to see long term savings over siting and elevation choices.

3. **Engineering, Flood Maps and the Flood Insurance Study:** The City was remapped under the RiskMAP Coastal Studies Program and is on schedule to receive their Letter of Final Determination on 11/16/2015. The maps will then become effective on 05/16/2016.
4. **Other Community Floodplain Management Program Problems:** none identified.
5. **Programmatic Issues:** Two programmatic issues came up during our meeting that have been identified in our regional CAVs. Communication with the Virginia Department of Transportation was identified as good but required ongoing encouragement to share data created during their projects that would assist the community or is required for a LOMR. The other entity that is difficult to work with is the railroads. While we don't have any easy answers on how to "make" them comply with the City's floodplain ordinance requirements, it is certainly a good idea to build better communication with both groups to help facilitate cooperation.
6. **Potential Violations:** see floodplain tour below.

SECTION V –NARRATIVE

7. **Community Background:**

The City of Hampton is located in the Hampton Roads area of Virginia in the southeast corner of the state. The total area of the City is over 130 square miles, less than half, 51 square miles, of which is land. As of the 2010 Census, the population of the City was just under 140,000.

Flooding risks come from both tidal/coastal flooding and riverine flooding. The City also experiences significant stormwater flooding but takes an aggressive mitigation stance with new development to alleviate this problem. The municipality is currently 90% built out with re-development the primary source of new projects.

Hampton participates in the Community Rating System and is active in the Coastal CRS User Group and has 4 Certified Floodplain Managers (CFM) on staff.

8. General CAV Notes / Meeting Participants:

NAME	DEPT	PHONE	EMAIL
Mari Radford	FEMA Mitigation Planner	215/931-2880	mari.radford@dhs.gov
Charley Banks	VA DCR – State NFIP Coordinator	804/371-6135	Charley.Banks@dcv.virginia.gov
Molly Kaput	FEMA Mitigation Planner	215/931-5746	Molly.kaput@fema.dhs.gov
Charles Kline	VA DCR	804/625-3978	Charles.Kline@dcv.virginia.gov
Gayle Hicks	Water Resources	757/727-6284	ghicks@hampton.gov
Hannah Sabo	Community Development (DSC)		HannahMsabo@hampton.gov
David Stromberg	Community Development (DSC)	757/728-2444	dstromberg@hampton.gov
Gwen Pointer	Emergency Mgmt.		gpointer@hampton.gov
Hui-Shan Walker	Emergency Mgmt.		hwalker@hampton.gov
Steve Shapiro	CDD		sshapiro@hampton.gov

9. **Mitigation Grants:** The City has had several elevation grants funded through HMGP. Because many of these structures were still listed on the Severe Repetitive Loss and Repetitive Loss lists, it's important that the City complete AW501 forms for them to be removed. This will reduce the number of properties required for annual outreach for CRS. Since the tour was completed, many updates have already been submitted.

Our floodplain tour indicated the following addresses that could be removed with documentation:

- 8 Constant Rd
- 209 Harbor Drive
- 1511 N Armistead Ave

- 1515 N Armistead Ave
- 1513 Armistead Ave
- 315 Duluth Ct
- 301 Duluth Ct
- 39 N. Greenfield Ave
- 110 O Canoe Pl

10. Potential Violations: Violations identified; see attached spreadsheet

11. Flood Insurance Statistics (Policies and Claims): As of May 31, 2015, there were 10,996 flood insurance policies in force with a total coverage of over \$2.7 billion and total annual premiums of almost \$9.3 million. Of the total number of policies, the vast majority almost 98%, or 10,471, were for residential properties including 846 condo policies. Thirteen (13) policies were for V zone structures, six (6), were for manufactures homes, over 7,600 were for A zone structures, and the remaining 30% were for X zone policies. Slightly over half the policies were for pre-FIRM structures.

Since flood insurance became available, there have been over 4,500 closed paid losses totaling nearly \$70 million. 269 of these closed paid losses were substantial damage closed paid losses. Sixty-four (64) substantially-damaged policy owners have taken advantage of Increased Cost of Compliance (ICC) money, totaling over \$1.7 million.

An analysis of insurance coverage seems to indicate a low percentage of commercial properties carry flood insurance in the SFHA. As stormwater flooding is an issue throughout many parts of the city, this is another potential for business disruption and unreimbursed losses. There also appears to be few contents only policies written for the rental community. This might be an outreach opportunity for a future CRS project. Fewer Policies In Force (PIF) may be due to the recent premium increases as the NFIP goes to actuarial rates.

12. Hazard Mitigation Planning Status: The City participates in the Peninsula Hazard Mitigation Plan which is being updated currently. It expires November 22, 2016.

13. Other Findings:

- Floodplain Tour:** Two teams were established with federal, state and local representatives in each car to drive the floodplain and review potential compliance issues and concerns. The tour included the Paula Maria apartments which have been the subject of ongoing mitigation discussions between the City, the owner, HUD, the state and FEMA. We also visited most of the structures currently listed as minus-rated, repetitive loss or severe repetitive loss. Permits were sought during the tour, or at the end of each day, to quickly establish compliance or the need for further evaluation. An excel spreadsheet is attached to this report that documents additional data needs.



Some parcels of undeveloped (or redeveloped) land are still available within the City of Hampton. This site was reviewed for Executive Order 11988 compliance because it included HUD funding and includes extensive storm water provisions because of its location near New Market Creek.



Several of the Mill Point Townhouses were included on both the minus rated and repetitive loss lists. They appear to have been post-FIRM and should have had their lowest floor elevated above BFE. Our tour revealed living space on the lower level which would account for the rating and risk of flooding.

- b. **Capital Improvements:** no projects are currently planned for the SFHA.
- c. **State & Federal Projects:** Federal flood control (USACE) are reviewed annually.

- 14. Training Needs:** With the large inventory of structures in the SFHA, and the City's participation in the Community Rating System, it is concerning that there is little redundancy in the Floodplain Manager's role. Ms. Hicks mentioned retirement in the not too distant future so it is imperative that the City identify and train her incumbent as soon as possible. Required trainings should include the L273 "Managing Floodplain Development Through the National Flood Insurance Program" and once that is accomplished, take the L278 "the Community Rating System" training to better prepare the City for annual certifications and 5 year cycle visits. Other classes that staff would find useful are the E279 "Retrofitting Floodprone Residential Structures", E194 "Advanced Floodplain Management Concepts"
- 15. Community Rating System:** The City has participated in the Community Rating System since May 1, 2011. They are currently a Class 8 and save an average of \$80 per policy and \$877,082 in flood insurance premiums community-wide every year. Their 5-year cycle visit is planned for 2016.
- 16. Follow up by FEMA Region III:**
- 17. Corrective Actions Needed:** Required actions by the City of Hampton:
1. Update the floodplain ordinance and include missing items identified.
 2. Enforce permitting requirements for all development in the SFHA per City floodplain ordinance and 44 CFR 60.3 regulations.
 3. Identify and train a City Floodplain Administrator (vice Hicks).
 4. Provide further documentation for structures listed on the attached spreadsheet. In cases of non-compliance, proceed with Notice of Violation and mitigate to the greatest extent possible.
 5. Keep all documentation (including lowest floor elevation and zone determinations) for structures in the SFHA for the life of the structure.
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